

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY) M.D.L. No. 1456
AVERAGE WHOLESALE PRICE) Civil Action No. 01-12257-PBS
LITIGATION)
THIS DOCUMENT RELATES TO ALL)
CLASS ACTIONS)
)

**ORDER RE: PLAINTIFFS' MOTION FOR CLARIFICATION
OF CASE MANAGEMENT ORDER #16**

December 1, 2005

Saris, U.S.D.J.

In Case Management Order #16, the Court denied the request to stay all discovery pending the class certification decision for Track One defendants. It also permitted Plaintiffs to proceed only on the physician-administered drugs. I don't know how many physician-administered drugs are involved in the Track Two litigation, or whether defendants' allegedly feckless and belated document production involves those particular drugs, rather than the pills. Accordingly, I have no basis for deciding whether the full continuance by Plaintiffs is necessary.

This is the holiday season. I see no reason to pressure the litigants, counsel, associates and paralegals to complete all discovery this month. Nonetheless, it important to keep Track Two from becoming the molasses track.

Therefore, the parties shall confer on a discovery schedule that makes sense and submit a joint and/or alternative schedule by December 9, 2005. Given the different stages of document production, one possibility is a different wrap-up schedule for each defendant.

S/PATTI B. SARIS

United States District Judge